

AMENDED IN SENATE AUGUST 3, 2010

AMENDED IN SENATE JUNE 10, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1860**

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**Introduced by Assembly Member Tom Berryhill  
(Coauthor: Assembly Member Villines)**

February 12, 2010

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An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1860, as amended, Tom Berryhill. Alcoholic beverages: places of consumption.

Existing law generally prohibits the sale or consumption of alcoholic beverages at a public schoolhouse or any grounds thereof. Existing law provides that this prohibition does not apply if the alcoholic beverage is possessed, consumed, or sold, pursuant to a license, for an event during the weekend or at other times when pupils are not on the grounds of an overnight retreat facility owned and operated by a county office of education in a county of the 18th or 20th class.

This bill would expand the exception to the prohibition to allow the possession, consumption, or sale of alcoholic beverages at such a retreat facility that is owned or operated by a county office of education in a county of any class or by a school district.

This bill would incorporate additional changes in Section 25608 of the Business and Professions Code proposed by AB 1643 *and* AB 1748, to be operative only if AB 1643 *and this bill*, AB 1748 *and this bill*, or

~~AB 1643, AB 1748, and this bill are both enacted and become effective on or before January 1, 2011, both bills amend Section 25608, and this bill is enacted after AB 1643 as specified.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 25608 of the Business and Professions
- 2 Code is amended to read:
- 3 25608. (a) Every person who possesses, consumes, sells, gives,
- 4 or delivers to any other person, any alcoholic beverage in or on
- 5 any public schoolhouse or any of the grounds of the schoolhouse,
- 6 is guilty of a misdemeanor. This section does not, however, make
- 7 it unlawful for any person to acquire, possess, or use any alcoholic
- 8 beverage in or on any public schoolhouse, or on any grounds of
- 9 the schoolhouse, if any of the following applies:
- 10 (1) The alcoholic beverage possessed, consumed, or sold,
- 11 pursuant to a license obtained under this division, is wine that is
- 12 produced by a bonded winery owned or operated as part of an
- 13 instructional program in viticulture and enology.
- 14 (2) The alcoholic beverage is acquired, possessed, or used in
- 15 connection with a course of instruction given at the school and the
- 16 person has been authorized to acquire, possess, or use it by the
- 17 governing body or other administrative head of the school.
- 18 (3) The public schoolhouse is surplus school property and the
- 19 grounds of the schoolhouse are leased to a lessee that is a general
- 20 law city with a population of less than 50,000, or the public
- 21 schoolhouse is surplus school property and the grounds of the
- 22 schoolhouse are located in an unincorporated area and are leased
- 23 to a lessee that is a civic organization, and the property is to be
- 24 used for community center purposes and no public school education
- 25 is to be conducted on the property by either the lessor or the lessee
- 26 and the property is not being used by persons under the age of 21
- 27 years for recreational purposes at any time during which alcoholic
- 28 beverages are being sold or consumed on the premises.
- 29 (4) The alcoholic beverages are acquired, possessed, or used
- 30 during events at a college-owned or college-operated veterans

1 stadium with a capacity of over 12,000 people, located in a county  
2 with a population of over 6,000,000 people. As used in this  
3 paragraph, “events” mean football games sponsored by a college,  
4 other than a public community college, or other events sponsored  
5 by noncollege groups.

6 (5) The alcoholic beverages are acquired, possessed, or used  
7 during an event not sponsored by any college at a performing arts  
8 facility built on property owned by a community college district  
9 and leased to a nonprofit organization that is a public benefit  
10 corporation formed under Part 2 (commencing with Section 5110)  
11 of Division 2 of Title 1 of the Corporations Code. As used in this  
12 paragraph, “performing arts facility” means an auditorium with  
13 more than 300 permanent seats.

14 (6) The alcoholic beverage is wine for sacramental or other  
15 religious purposes and is used only during authorized religious  
16 services held on or before January 1, 1995.

17 (7) The alcoholic beverages are acquired, possessed, or used  
18 during an event at a community center owned by a community  
19 services district and the event is not held at a time when students  
20 are attending a public school-sponsored activity at the center.

21 (8) The alcoholic beverage is wine that is acquired, possessed,  
22 or used during an event sponsored by a community college district  
23 or an organization operated for the benefit of the community  
24 college district where the college district maintains both an  
25 instructional program in viticulture on no less than five acres of  
26 land owned by the district and an instructional program in enology,  
27 which includes sales and marketing.

28 (9) The alcoholic beverage is acquired, possessed, or used at a  
29 professional minor league baseball game conducted at the stadium  
30 of a community college located in a county with a population of  
31 less than 250,000 inhabitants, and the baseball game is conducted  
32 pursuant to a contract between the community college district and  
33 a professional sports organization.

34 (10) The alcoholic beverages are acquired, possessed, or used  
35 during events at a college-owned or college-operated stadium or  
36 other facility. As used in this paragraph, “events” means fundraisers  
37 held to benefit a nonprofit corporation that has obtained a license  
38 pursuant to this division for the event. “Events” does not include  
39 football games or other athletic contests sponsored by any college  
40 or public community college. This paragraph shall not apply to

1 any public education facility in which any grade from kindergarten  
2 to grade 12, inclusive, is schooled.

3 (11) The alcoholic beverages are possessed, consumed, or sold,  
4 pursuant to a license, permit, or authorization obtained under this  
5 division, for an event held at an overnight retreat facility owned  
6 and operated by a county office of education or a school district  
7 at times when pupils are not on the grounds.

8 (12) The grounds of the public schoolhouse on which the  
9 alcoholic beverage is acquired, possessed, used, or consumed is  
10 property that has been developed and is used for residential  
11 facilities or housing that is offered for rent, lease, or sale  
12 exclusively to faculty or staff of a public school or community  
13 college.

14 (13) The grounds of a public schoolhouse on which the alcoholic  
15 beverage is acquired, possessed, used, or consumed is property of  
16 a community college that is leased, licensed, or otherwise provided  
17 for use as a water conservation demonstration garden and  
18 community passive recreation resource by a joint powers agency  
19 comprised of public agencies, including the community college,  
20 and the event at which the alcoholic beverage is acquired,  
21 possessed, used, or consumed is conducted pursuant to a written  
22 policy adopted by the governing body of the joint powers agency  
23 and no public funds are used for the purchase or provision of the  
24 alcoholic beverage.

25 (14) The alcoholic beverage is beer or wine acquired, possessed,  
26 used, sold, or consumed only in connection with a course of  
27 instruction, sponsored dinner, or meal demonstration given as part  
28 of a culinary arts program at a campus of a California community  
29 college and the person has been authorized to acquire, possess,  
30 use, sell, or consume the beer or wine by the governing body or  
31 other administrative head of the school.

32 (15) The alcoholic beverages are possessed, consumed, or sold,  
33 pursuant to a license or permit obtained under this division for  
34 special events held at the facilities of a public community college,  
35 located in a county of the first class or a county of the fourth class,  
36 during the special event. As used in this paragraph, "special event"  
37 means festivals, shows, private parties, concerts, theatrical  
38 productions, and other events held on the premises of the public  
39 community college, pursuant to a license or permit, and for which

1 the principal attendees are members of the general public or invited  
2 guests and not students of the public community college.

3 (b) Any person convicted of a violation of this section shall, in  
4 addition to the penalty imposed for the misdemeanor, be barred  
5 from having or receiving any privilege of the use of public school  
6 property which is accorded by Article 2 (commencing with Section  
7 82537) of Chapter 8 of Part 49 of Division 7 *of Title 3* of the  
8 Education Code.

9 ~~SEC. 1.5.~~

10 *SEC. 1.3.* Section 25608 of the Business and Professions Code  
11 is amended to read:

12 25608. (a) Every person who possesses, consumes, sells, gives,  
13 or delivers to any other person, any alcoholic beverage in or on  
14 any public schoolhouse or any of the grounds of the schoolhouse,  
15 is guilty of a misdemeanor. This section does not, however, make  
16 it unlawful for any person to acquire, possess, or use any alcoholic  
17 beverage in or on any public schoolhouse, or on any grounds of  
18 the schoolhouse, if any of the following applies:

19 (1) The alcoholic beverage possessed, consumed, or sold,  
20 pursuant to a license obtained under this division, is wine that is  
21 produced by a bonded winery owned or operated as part of an  
22 instructional program in viticulture and enology.

23 (2) The alcoholic beverage is acquired, possessed, or used in  
24 connection with a course of instruction given at the school and the  
25 person has been authorized to acquire, possess, or use it by the  
26 governing body or other administrative head of the school.

27 (3) The public schoolhouse is surplus school property and the  
28 grounds of the schoolhouse are leased to a lessee that is a general  
29 law city with a population of less than 50,000, or the public  
30 schoolhouse is surplus school property and the grounds of the  
31 schoolhouse are located in an unincorporated area and are leased  
32 to a lessee that is a civic organization, and the property is to be  
33 used for community center purposes and no public school education  
34 is to be conducted on the property by either the lessor or the lessee  
35 and the property is not being used by persons under the age of 21  
36 years for recreational purposes at any time during which alcoholic  
37 beverages are being sold or consumed on the premises.

38 (4) The alcoholic beverages are acquired, possessed, or used  
39 during events at a college-owned or college-operated veterans  
40 stadium with a capacity of over 12,000 people, located in a county

1 with a population of over 6,000,000 people. As used in this  
2 paragraph, “events” mean football games sponsored by a college,  
3 other than a public community college, or other events sponsored  
4 by noncollege groups.

5 (5) The alcoholic beverages are acquired, possessed, or used  
6 during an event not sponsored by any college at a performing arts  
7 facility built on property owned by a community college district  
8 and leased to a nonprofit organization that is a public benefit  
9 corporation formed under Part 2 (commencing with Section 5110)  
10 of Division 2 of Title 1 of the Corporations Code. As used in this  
11 paragraph, “performing arts facility” means an auditorium with  
12 more than 300 permanent seats.

13 (6) The alcoholic beverage is wine for sacramental or other  
14 religious purposes and is used only during authorized religious  
15 services held on or before January 1, 1995.

16 (7) The alcoholic beverages are acquired, possessed, or used  
17 during an event at a community center owned by a community  
18 services district and the event is not held at a time when students  
19 are attending a public school-sponsored activity at the center.

20 (8) The alcoholic beverage is wine that is acquired, possessed,  
21 or used during an event sponsored by a community college district  
22 or an organization operated for the benefit of the community  
23 college district where the college district maintains both an  
24 instructional program in viticulture on no less than five acres of  
25 land owned by the district and an instructional program in enology,  
26 which includes sales and marketing.

27 (9) The alcoholic beverage is acquired, possessed, or used at a  
28 professional minor league baseball game conducted at the stadium  
29 of a community college located in a county with a population of  
30 less than 250,000 inhabitants, and the baseball game is conducted  
31 pursuant to a contract between the community college district and  
32 a professional sports organization.

33 (10) The alcoholic beverages are acquired, possessed, or used  
34 during events at a college-owned or college-operated stadium or  
35 other facility. As used in this paragraph, “events” means fundraisers  
36 held to benefit a nonprofit corporation that has obtained a license  
37 pursuant to this division for the event. “Events” does not include  
38 football games or other athletic contests sponsored by any college  
39 or public community college. This paragraph shall not apply to

1 any public education facility in which any grade from kindergarten  
2 to grade 12, inclusive, is schooled.

3 (11) The alcoholic beverages are possessed, consumed, or sold,  
4 pursuant to a license, permit, or authorization obtained under this  
5 division, for an event held at an overnight retreat facility owned  
6 and operated by a county office of education or by a school district  
7 at times when pupils are not on the grounds.

8 (12) The grounds of the public schoolhouse on which the  
9 alcoholic beverage is acquired, possessed, used, or consumed is  
10 property that has been developed and is used for residential  
11 facilities or housing that is offered for rent, lease, or sale  
12 exclusively to faculty or staff of a public school or community  
13 college.

14 (13) The grounds of a public schoolhouse on which the alcoholic  
15 beverage is acquired, possessed, used, or consumed is property of  
16 a community college that is leased, licensed, or otherwise provided  
17 for use as a water conservation demonstration garden and  
18 community passive recreation resource by a joint powers agency  
19 comprised of public agencies, including the community college,  
20 and the event at which the alcoholic beverage is acquired,  
21 possessed, used, or consumed is conducted pursuant to a written  
22 policy adopted by the governing body of the joint powers agency  
23 and no public funds are used for the purchase or provision of the  
24 alcoholic beverage.

25 (14) The alcoholic beverage is beer or wine acquired, possessed,  
26 used, sold, or consumed only in connection with a course of  
27 instruction, sponsored dinner, or meal demonstration given as part  
28 of a culinary arts program at a campus of a California community  
29 college and the person has been authorized to acquire, possess,  
30 use, sell, or consume the beer or wine by the governing body or  
31 other administrative head of the school.

32 (15) The alcoholic beverages are possessed, consumed, or sold,  
33 pursuant to a license or permit obtained under this division for  
34 special events held at the facilities of a public community college,  
35 located in a county of the first class or a county of the fourth class,  
36 during the special event. As used in this paragraph, "special event"  
37 means festivals, shows, private parties, concerts, theatrical  
38 productions, and other events held on the premises of the public  
39 community college, pursuant to a license or permit, and for which

1 the principal attendees are members of the general public or invited  
2 guests and not students of the public community college.

3 (16) The alcoholic beverages are acquired, possessed, or used  
4 during an event at a community college-owned facility in which  
5 any grade from kindergarten to grade 12, inclusive, is schooled,  
6 if the event is held at a time when students in any grades from  
7 kindergarten to grade 12, inclusive, are not present at the facility.  
8 As used in this paragraph, “events” include fundraisers held to  
9 benefit a nonprofit corporation that has obtained a license pursuant  
10 to this division for the event.

11 (b) Any person convicted of a violation of this section shall, in  
12 addition to the penalty imposed for the misdemeanor, be barred  
13 from having or receiving any privilege of the use of public school  
14 property which is accorded by Article 2 (commencing with Section  
15 82537) of Chapter 8 of Part 49 of Division 7 of the Education  
16 Code.

17 ~~SEC. 2. Section 1.5 of this bill incorporates amendments to~~  
18 ~~Section 25608 of the Business and Professions Code proposed by~~  
19 ~~both this bill and AB 1643. It shall only become operative if (1)~~  
20 ~~both bills are enacted and become effective on or before January~~  
21 ~~1, 2011, (2) each bill amends Section 25608 of the Business and~~  
22 ~~Professions Code, and (3) this bill is enacted after AB 1643, in~~  
23 ~~which case Section 1 of this bill shall not become operative.~~

24 *SEC. 1.5. Section 25608 of the Business and Professions Code*  
25 *is amended to read:*

26 25608. (a) Every person who possesses, consumes, sells, gives,  
27 or delivers to any other person, any alcoholic beverage in or on  
28 any public schoolhouse or any of the grounds ~~thereof of the~~  
29 *schoolhouse*, is guilty of a misdemeanor. This section does not,  
30 however, make it unlawful for any person to acquire, possess, or  
31 use any alcoholic beverage in or on any public schoolhouse, or on  
32 any grounds ~~thereof of the schoolhouse~~, if any of the following  
33 applies:

34 (1) The alcoholic beverage possessed, consumed, or sold,  
35 pursuant to a license obtained under this division, is wine that is  
36 produced by a bonded winery owned or operated as part of an  
37 instructional program in viticulture and enology.

38 (2) The alcoholic beverage is acquired, possessed, or used in  
39 connection with a course of instruction given at the school and the

1 person has been authorized to acquire, possess, or use it by the  
2 governing body or other administrative head of the school.

3 (3) The public schoolhouse is surplus school property and the  
4 grounds ~~thereof of the schoolhouse~~ are leased to a lessee ~~which~~  
5 *that* is a general law city with a population of less than 50,000, or  
6 the public schoolhouse is surplus school property and the grounds  
7 ~~thereof of the schoolhouse~~ are located in an unincorporated area  
8 and are leased to a lessee ~~which~~ *that* is a civic organization, and  
9 the property is to be used for community center purposes and no  
10 public school education is to be conducted ~~thereon~~ *on the property*  
11 by either the lessor or the lessee and the property is not being used  
12 by persons under the age of 21 years for recreational purposes at  
13 any time during which alcoholic beverages are being sold or  
14 consumed on the premises.

15 (4) The alcoholic beverages are acquired, possessed, or used  
16 during events at a college-owned or college-operated veterans  
17 stadium with a capacity of over 12,000 people, located in a county  
18 with a population of over ~~six million~~ *6,000,000* people. As used  
19 in this ~~subdivision~~ *paragraph*, “events” mean football games  
20 sponsored by a college, other than a public community college, or  
21 other events sponsored by noncollege groups.

22 (5) The alcoholic beverages are acquired, possessed, or used  
23 during an event not sponsored by any college at a performing arts  
24 facility built on property owned by a community college district  
25 and leased to a nonprofit organization ~~which~~ *that* is a public benefit  
26 corporation formed under Part 2 (commencing with Section 5110)  
27 of Division 2 of Title 1 of the Corporations Code. As used in this  
28 ~~subdivision~~ *paragraph*, “performing arts facility” means an  
29 auditorium with more than 300 permanent seats.

30 (6) The alcoholic beverage is wine for sacramental or other  
31 religious purposes and is used only during authorized religious  
32 services held on or before January 1, 1995.

33 (7) The alcoholic beverages are acquired, possessed, or used  
34 during an event at a community center owned by a community  
35 services district and the event is not held at a time when students  
36 are attending a public school-sponsored activity at the center.

37 (8) The alcoholic beverage is wine ~~which~~ *that* is acquired,  
38 possessed, or used during an event sponsored by a community  
39 college district or an organization operated for the benefit of the  
40 community college district where the college district maintains

1 both an instructional program in viticulture on no less than five  
2 acres of land owned by the district and an instructional program  
3 in enology, which includes sales and marketing.

4 (9) The alcoholic beverage is acquired, possessed, or used at a  
5 professional minor league baseball game conducted at the stadium  
6 of a community college located in a county with a population of  
7 less than 250,000 inhabitants, and the baseball game is conducted  
8 pursuant to a contract between the community college district and  
9 a professional sports organization.

10 (10) The alcoholic beverages are acquired, possessed, or used  
11 during events at a college-owned or college-operated stadium or  
12 other facility. As used in this ~~subdivision~~ *paragraph*, “events”  
13 means fundraisers held to benefit a nonprofit corporation that has  
14 obtained a license pursuant to this division for the event. “Events”  
15 does not include football games or other athletic contests sponsored  
16 by any college or public community college. This ~~subdivision~~  
17 *paragraph* shall not apply to any public education facility in which  
18 any grade from kindergarten to grade 12, inclusive, is schooled.

19 (11) The alcoholic beverages are possessed, consumed, or sold,  
20 pursuant to a license, *permit, or authorization* obtained under this  
21 division, for an event ~~during the weekend or at other times when~~  
22 ~~pupils are not on the grounds of~~ *held at* an overnight retreat facility  
23 owned and operated by a county office of education ~~in a county~~  
24 ~~of the 18th or 20th class or a school district at times when pupils~~  
25 ~~are not on the grounds.~~

26 (12) The grounds of the public schoolhouse on which the  
27 alcoholic beverage is acquired, possessed, used, or consumed is  
28 property that has been developed and is used for residential  
29 facilities or housing that is offered for rent, lease, or sale  
30 exclusively to faculty or staff of a public school or community  
31 college.

32 (13) The grounds of a public schoolhouse on which the alcoholic  
33 beverage is acquired, possessed, used, or consumed is property of  
34 a community college that is leased, licensed, or otherwise provided  
35 for use as a water conservation demonstration garden and  
36 community passive recreation resource by a joint powers agency  
37 comprised of public agencies, including the community college,  
38 and the event at which the alcoholic beverage is acquired,  
39 possessed, used, or consumed is conducted pursuant to a written  
40 policy adopted by the governing body of the joint powers agency

1 and no public funds are used for the purchase or provision of the  
2 alcoholic beverage.

3 (14) The alcoholic beverage is beer or wine acquired, possessed,  
4 used, sold, or consumed only in connection with a course of  
5 instruction, sponsored dinner, or meal demonstration given as part  
6 of a culinary arts program at a campus of a California community  
7 college and the person has been authorized to acquire, possess,  
8 use, sell, or consume the beer or wine by the governing body or  
9 other administrative head of the school.

10 (15) The alcoholic beverages are possessed, consumed, or sold,  
11 pursuant to a license or permit obtained under this division for  
12 special events held at the facilities of a public community college,  
13 located in a county of the first ~~class~~ or *class*, a county of the fourth  
14 class, *or a county of the tenth class*, during the special event. As  
15 used in this ~~subdivision~~ *paragraph*, “special event” means festivals,  
16 shows, private parties, concerts, theatrical productions, and other  
17 events held on the premises of the public community college,  
18 pursuant to a license or permit, and for which the principal  
19 attendees are members of the general public or invited guests and  
20 not students of the public community college.

21 (b) Any person convicted of a violation of this section shall, in  
22 addition to the penalty imposed for the misdemeanor, be barred  
23 from having or receiving any privilege of the use of public school  
24 property which is accorded by Article 2 (commencing with Section  
25 82537) of Chapter 8 of Part 49 of *Division 7 of Title 3* the  
26 Education Code.

27 *SEC. 1.7. Section 25608 of the Business and Professions Code*  
28 *is amended to read:*

29 25608. (a) Every person who possesses, consumes, sells, gives,  
30 or delivers to any other person, any alcoholic beverage in or on  
31 any public schoolhouse or any of the grounds ~~thereof of the~~  
32 *schoolhouse*, is guilty of a misdemeanor. This section does not,  
33 however, make it unlawful for any person to acquire, possess, or  
34 use any alcoholic beverage in or on any public schoolhouse, or on  
35 any grounds ~~thereof of the schoolhouse~~, if any of the following  
36 applies:

37 (1) The alcoholic beverage possessed, consumed, or sold,  
38 pursuant to a license obtained under this division, is wine that is  
39 produced by a bonded winery owned or operated as part of an  
40 instructional program in viticulture and enology.

1 (2) The alcoholic beverage is acquired, possessed, or used in  
2 connection with a course of instruction given at the school and the  
3 person has been authorized to acquire, possess, or use it by the  
4 governing body or other administrative head of the school.

5 (3) The public schoolhouse is surplus school property and the  
6 grounds ~~thereof of the schoolhouse~~ are leased to a lessee ~~which~~  
7 *that* is a general law city with a population of less than 50,000, or  
8 the public schoolhouse is surplus school property and the grounds  
9 ~~thereof of the schoolhouse~~ are located in an unincorporated area  
10 and are leased to a lessee ~~which~~ *that* is a civic organization, and  
11 the property is to be used for community center purposes and no  
12 public school education is to be conducted ~~thereon on the property~~  
13 by either the lessor or the lessee and the property is not being used  
14 by persons under the age of 21 years for recreational purposes at  
15 any time during which alcoholic beverages are being sold or  
16 consumed on the premises.

17 (4) The alcoholic beverages are acquired, possessed, or used  
18 during events at a college-owned or college-operated veterans  
19 stadium with a capacity of over 12,000 people, located in a county  
20 with a population of over ~~six million~~ 6,000,000 people. As used  
21 in this ~~subdivision~~ *paragraph*, “events” mean football games  
22 sponsored by a college, other than a public community college, or  
23 other events sponsored by noncollege groups.

24 (5) The alcoholic beverages are acquired, possessed, or used  
25 during an event not sponsored by any college at a performing arts  
26 facility built on property owned by a community college district  
27 and leased to a nonprofit organization ~~which~~ *that* is a public benefit  
28 corporation formed under Part 2 (commencing with Section 5110)  
29 of Division 2 of Title 1 of the Corporations Code. As used in this  
30 ~~subdivision~~ *paragraph*, “performing arts facility” means an  
31 auditorium with more than 300 permanent seats.

32 (6) The alcoholic beverage is wine for sacramental or other  
33 religious purposes and is used only during authorized religious  
34 services held on or before January 1, 1995.

35 (7) The alcoholic beverages are acquired, possessed, or used  
36 during an event at a community center owned by a community  
37 services district and the event is not held at a time when students  
38 are attending a public school-sponsored activity at the center.

39 (8) The alcoholic beverage is wine ~~which~~ *that* is acquired,  
40 possessed, or used during an event sponsored by a community

1 college district or an organization operated for the benefit of the  
2 community college district where the college district maintains  
3 both an instructional program in viticulture on no less than five  
4 acres of land owned by the district and an instructional program  
5 in enology, which includes sales and marketing.

6 (9) The alcoholic beverage is acquired, possessed, or used at a  
7 professional minor league baseball game conducted at the stadium  
8 of a community college located in a county with a population of  
9 less than 250,000 inhabitants, and the baseball game is conducted  
10 pursuant to a contract between the community college district and  
11 a professional sports organization.

12 (10) The alcoholic beverages are acquired, possessed, or used  
13 during events at a college-owned or college-operated stadium or  
14 other facility. As used in this ~~subdivision~~ *paragraph*, “events”  
15 means fundraisers held to benefit a nonprofit corporation that has  
16 obtained a license pursuant to this division for the event. “Events”  
17 does not include football games or other athletic contests sponsored  
18 by any college or public community college. This ~~subdivision~~  
19 *paragraph* shall not apply to any public education facility in which  
20 any grade from kindergarten to grade 12, inclusive, is schooled.

21 (11) The alcoholic beverages are possessed, consumed, or sold,  
22 pursuant to a license, *permit, or authorization* obtained under this  
23 division, for an event ~~during the weekend or at other times when~~  
24 ~~pupils are not on the grounds of~~ *held at* an overnight retreat facility  
25 owned and operated by a county office of education ~~in a county~~  
26 ~~of the 18th or 20th class or a school district at times when pupils~~  
27 *are not on the grounds.*

28 (12) The grounds of the public schoolhouse on which the  
29 alcoholic beverage is acquired, possessed, used, or consumed is  
30 property that has been developed and is used for residential  
31 facilities or housing that is offered for rent, lease, or sale  
32 exclusively to faculty or staff of a public school or community  
33 college.

34 (13) The grounds of a public schoolhouse on which the alcoholic  
35 beverage is acquired, possessed, used, or consumed is property of  
36 a community college that is leased, licensed, or otherwise provided  
37 for use as a water conservation demonstration garden and  
38 community passive recreation resource by a joint powers agency  
39 comprised of public agencies, including the community college,  
40 and the event at which the alcoholic beverage is acquired,

1 possessed, used, or consumed is conducted pursuant to a written  
2 policy adopted by the governing body of the joint powers agency  
3 and no public funds are used for the purchase or provision of the  
4 alcoholic beverage.

5 (14) The alcoholic beverage is beer or wine acquired, possessed,  
6 used, sold, or consumed only in connection with a course of  
7 instruction, sponsored dinner, or meal demonstration given as part  
8 of a culinary arts program at a campus of a California community  
9 college and the person has been authorized to acquire, possess,  
10 use, sell, or consume the beer or wine by the governing body or  
11 other administrative head of the school.

12 (15) The alcoholic beverages are possessed, consumed, or sold,  
13 pursuant to a license or permit obtained under this division for  
14 special events held at the facilities of a public community college,  
15 located in a county of the first ~~class~~ or class, a county of the fourth  
16 class, *or a county of the tenth class*, during the special event. As  
17 used in this ~~subdivision~~ paragraph, “special event” means festivals,  
18 shows, private parties, concerts, theatrical productions, and other  
19 events held on the premises of the public community college,  
20 pursuant to a license or permit, and for which the principal  
21 attendees are members of the general public or invited guests and  
22 not students of the public community college.

23 (16) *The alcoholic beverages are acquired, possessed, or used*  
24 *during an event at a community college-owned facility in which*  
25 *any grade from kindergarten to grade 12, inclusive, is schooled,*  
26 *if the event is held at a time when students in any grades from*  
27 *kindergarten to grade 12, inclusive, are not present at the facility.*  
28 *As used in this paragraph, “events” include fundraisers held to*  
29 *benefit a nonprofit corporation that has obtained a license pursuant*  
30 *to this division for the event.*

31 (b) Any person convicted of a violation of this section shall, in  
32 addition to the penalty imposed for the misdemeanor, be barred  
33 from having or receiving any privilege of the use of public school  
34 property which is accorded by Article 2 (commencing with Section  
35 82537) of Chapter 8 of Part 49 of *Division 7 of Title 3* the  
36 Education Code.

37 SEC. 2. (a) *Section 1.3 of this bill incorporates amendments*  
38 *to Section 25608 of the Business and Professions Code proposed*  
39 *by both this bill and AB 1643. It shall only become operative if (1)*  
40 *both bills are enacted and become effective on or before January*

1 1, 2011, (2) each bill amends Section 25608 of the Business and  
2 Professions Code, and (3) AB 1860 is not enacted or as enacted  
3 does not amend that section, and (4) this bill is enacted after AB  
4 1643, in which case Sections 1, 1.5, and 1.7 of this bill shall not  
5 become operative.

6 (b) Section 1.5 of this bill incorporates amendments to Section  
7 25608 of the Business and Professions Code proposed by both this  
8 bill and AB 1748. It shall only become operative if (1) both bills  
9 are enacted and become effective on or before January 1, 2011,  
10 (2) each bill amends Section 25608 of the Business and Professions  
11 Code, (3) AB 1643 is not enacted or as enacted does not amend  
12 that section, and (4) this bill is enacted after AB 1748 in which  
13 case Sections 1, 1.3, and 1.7 of this bill shall not become operative.

14 (c) Section 1.7 of this bill incorporates amendments to Section  
15 25608 of the Business and Professions Code proposed by this bill,  
16 AB 1748, and AB 1860. It shall only become operative if (1) all  
17 three bills are enacted and become effective on or before January  
18 1, 2011, (2) all three bills amend Section 25608 of the Business  
19 and Professions Code, and (3) this bill is enacted after AB 1643  
20 and 1748, in which case Sections 1, 1.3, and 1.5 of this bill shall  
21 not become operative.

22 SEC. 3. This act is an urgency statute necessary for the  
23 immediate preservation of the public peace, health, or safety within  
24 the meaning of Article IV of the Constitution and shall go into  
25 immediate effect. The facts constituting the necessity are:

26 In order to increase revenue for events at outdoor education  
27 facilities that expand students' educational opportunities as soon  
28 as possible, it is necessary that this act take effect immediately.